

STEVEN TOSCHER, State Bar No. 91115  
CHARLES P. RETTIG, State Bar No. 97848  
AVRAM SALKIN, State Bar No. 30412  
EDWARD M. ROBBINS, JR., State Bar No. 82696  
SHARYN M. FISK, State Bar No. 199898  
Hochman Salkin Rettig Toscher & Perez, P.C.  
9150 Wilshire Boulevard, Suite 300  
Beverly Hills, CA 90212  
Phone: 310/281-3200  
Fax: 310/859-1430  
E-Mail: [sf@taxlitigator.com](mailto:sf@taxlitigator.com)

Attorneys for Plaintiffs Santa Clara Valley Housing Group, Inc.  
and Kristen M. Bowes

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

SANTA CLARA VALLEY HOUSING  
GROUP, INC. and KRISTEN M. BOWES,

Plaintiffs,

v.

UNITED STATES OF AMERICA

Defendant.

**CASE NO. 08-cv-05097-LHK**

JOINT STIPULATION TO CONTINUE  
CASE MANAGEMENT CONFERENCE,  
INCREASE NUMBER OF DEPOSITIONS,  
EXTEND EXPERT DISCOVERY  
DEADLINES AND ~~PROPOSED~~ ORDER

SANTA CLARA VALLEY HOUSING GROUP, INC. ("Santa Clara"), and KRISTEN M. BOWES ("Bowes") (collectively referred to as "Plaintiffs") and the UNITED STATES OF AMERICA ("United States"), by and through their attorneys, hereby request that the Case Management Conference be continued from October 20, 2010 to October 27, 2010 and that the expert discovery deadlines be extended as set forth below.

The reasons for the continuances are as follows:

1. This income tax refund action was filed by Plaintiffs on November 7, 2008, and the case was initially assigned to United States Magistrate Judge Howard R. Lloyd.

2. Upon Defendant's Declination to Proceed Before a U.S. Magistrate Judge and Request for Reassignment to a United States District Judge, this case was reassigned to United States Judge James Ware.

3. On April 8, 2009, the initial Joint Case Management Conference scheduled for April 13, 2009, was vacated by the Court and a Scheduling Order was issued.

4. On August 2, 2010, the Court issued a Reassignment Order where upon this case was reassigned to United States Judge Lucy H. Koh. Pursuant to the Court's Reassignment Order, the Case Management Conference date of September 20, 2010 was vacated and the parties were ordered to file a Joint Case Management Statement by August 18, 2010.

5. On August 10, 2010, the Court set a new Case Management Conference for Wednesday, October 20, 2010.

6. On August 16, 2010, the parties filed a Second Joint Case Management Conference Statement.

7. Pursuant to the Local Rule 16-10(a), lead trial counsel for each party must attend the initial Case Management Conference.

8. Lead trial counsel for Plaintiffs, Steven Toscher, has a prior commitment in New York, for which he has already made flight arrangements on October 20, 2010. He would be unable to attend the Case Management Conference via telephone conference as he will be in flight at the scheduled time.

9. Plaintiffs' counsel has conferred with counsel for Defendant regarding this request to continue the Case Management Conference from October 20, 2010 to October 27, 2010. Defendant supports this request. Accordingly, Plaintiffs request that this Court continue the Case Management Conference from October 20, 2010 to October 27, 2010.

10. The parties anticipate that fact discovery can be completed by the current fact discovery deadline of October 15, 2010. The United States, however, believes it will be necessary to take a total of 26 fact depositions, which is one more than the 25 depositions permitted in the discovery plan adopted by the Court. The United States, therefore, requests that the Court permit the government to take 26 fact depositions. The Plaintiffs do not oppose this request.

11. On August 23, 2010, the parties designated expert witnesses and exchanged expert reports. The Plaintiffs designated four experts, and the United States designated two experts. In light of the number of experts and complex nature of opinions expressed, the parties request that the disclosure of rebuttal experts, currently set for October 22, 2010, be extended to November 15, 2010 and that the close of expert discovery, currently set for December 15, 2010, be extended to December 31, 2010.

11. The parties also request that other deadlines (set prior to reassignment) be continued as follows:

- Deadline to file and serve Notice of Motion to Exclude expert testimony or portion thereof be extended from January 11, 2011 to January 31, 2011;
- Deadline to file dispositive motions be extended from January 11, 2011 to January 31, 2011;
- Deadline to file responses to dispositive motions be extended from February 11, 2011 to February 28, 2011;
- Deadline to file replies to responses to dispositive motions be extended from March 11, 2011 to March 28, 2011;
- Last date for hearing dispositive motions be extended from March 21, 2011 to April 7, 2011.

DATED: September 22, 2010 HOCHMAN, SALKIN, RETTIG, TOSCHER & PEREZ, P.C.

By: /s/ Sharyn M. Fisk  
SHARYN M. FISK

Hochman, Salkin, Rettig, Toscher & Perez, P.C.  
9150 Wilshire Boulevard, Suite 300  
Beverly Hills, California 90212-3414  
Telephone: (310) 281-3200  
Facsimile: (310) 859-1430  
Fisk@taxlitigator.com

*Attorney for SANTA CLARA VALLEY HOUSING GROUP,  
INC. and KRISTEN M. BOWES*

1 DATED: September 22, 2010

UNITED STATES DEPARTMENT OF JUSTICE

2  
3 By: /s/ Henry C. Darmstadter  
HENRY C. DARMSTADTER  
4 JAMES E. WEAVER  
STEVEN P. JOHNSON  
5 Trial Attorneys, Tax Division  
U.S. Department of Justice  
6 P.O. Box 683, Ben Franklin Station  
Washington, D.C. 20044-0683  
7 Telephone: (202) 307-6581  
henry.c.darmstadter@usdoj.gov  
8 james.e.weaver@usdoj.gov  
steven.p.johnson@usdoj.gov

9 *Attorneys for the UNITED STATES OF AMERICA*

10  
11 **PURSUANT TO THE ABOVE STIPULATION, IT IS SO ORDERED.**

12  
13  
14 Dated this 28th day of September, 2010

  
15 HON. LUCY H. KOH  
UNITED STATES DISTRICT JUDGE

16 303666.1